

LABOUR DEPARTMENT

The 31st August, 1978

No. 11(112)-3Lab-78/7825.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s. Metachem Industries Bahalgarh :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 114 of 1977

between

SHRI OM KANWAR TYAGI, WORKMAN AND THE MANAGEMENT OF M/S. METACHEM INDUSTRIES, BAHALGARH

Present :

Nemo for the workman.

Shri G. S. Bhalla, for the management.

AWARD

By order No. ID/RK/321-77/45614, dated 18th October, 1977, the Governor of Haryana referred the following dispute between the management of M/s Metachem Industries, Bahalgarh and its workman Shri Om Kanwar Tyagi to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Om Kanwar Tyagi was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed by my learned predecessor on 3rd March, 1978 :—

1. Whether the workman voluntarily abandoned his job w. e. f. 25th May, 1977, by way of absenting himself from duty and continued to do so thereafter despite being asked to report himself to the management for duty?
2. In case of non-proof of issue No. 1 whether the termination of services of Shri Om Kanwar Tyagi was justified and in order? If not, to what relief is he entitled?

The case was set for the evidence of his management but on the date fixed for evidence of the management, neither the workman appeared nor any of his representative appeared hence *ex-parte* proceedings were ordered against the workman and the case was fixed for *ex-parte* evidence of the management. The management examined Shri Bipin Kumar, partner of the management, as MW-1 who stated that the workman remained absent from June 1977 to 22nd August. He deposed on the basis of the attendance register brought by him which were returned to him. MW-1 proved documents Ex. M-1 to M-8. By their letter dated 1st July, 1977, the management have called upon the workman to resume his duty otherwise they shall struck off his name from the rolls although this letter Ex. M-5 also speaks of some charges levelled against the workman. From *ex-parte* evidence of the management I am of the opinion that the workman remained absent from the period from June, 1977 to August 1977 and thus himself abandoned his job. I, therefore, decide issue No. 1 in favour of the management. Question of decision of issue No. 2 does not arise. Issue No. 1 has been proved. Considering the *ex-parte* evidence of the management I answer this reference and give my award that the termination of services of Shri Om Kanwar Tyagi the workman concerned was justified and in order. He is not entitled to any relief.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Dated the 2nd August, 1978.

No. 2286, dated the 16th August, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.